

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
JOHN B. CARR
KIMBERLYN CARR

Case No.: 11-44733
Judge: NLW
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 11/17/16

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 600 per month to the Chapter 13 Trustee, starting on August 1, 2013 for approximately 40 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|--|------------------|--|
| Marie Ann Greenberg | Administrative | \$3,600.00 or as allowed |
| Norgaard O'Boyle Counsel to Debtors | Administrative | as claimed and allowed on application to the court |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
| | | | | | |

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|-------------------------|------------|----------------|------------------------|-----------------------------|--|----------------------|-------------------------|
| Household Finance Corp. | Residence | \$42,916.03 | 346,500.00 | BAC Home Loans \$402,590.65 | No Value | 0% | \$0.00 |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
| | | | |

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
Bank of America

e. Secured Claims to be Paid in Full Through the Plan:

| Creditor | Collateral | Total Amount to be Paid Through the Plan |
|----------|------------|--|
| | | |

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☐ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

| Creditor | Basis For Separate Classification | Treatment | Amount to be Paid |
|--------------------------------------|---|--|--------------------------------|
| ACS/Homebac NA | Installment debt with final payment coming due after conclusion of plan | cure default and reinstate obligation under 11 USC Sec. 1322(b)(5) | arrears as claimed and allowed |
| US Dept. of Education - Direct Loans | Installment debt with final payment coming due after conclusion of plan | cure default and reinstate obligation under 11 USC Sec. 1322(b)(5) | arrears as claimed and allowed |

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

| Creditor | Nature of Contract or Lease | Treatment by Debtor |
|----------|-----------------------------|---------------------|
| | | |

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
| | | | | | | | |

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|-------------------------|------------|-----------------------------------|
| Household Finance Corp. | Residence | 100% |

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|--------------------------------|---|
| | | | |

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Claims
- 3) Arrears on First Mortgage and Student Loans
- 4) General Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 7/17/2013.

Explain below **why** the plan is being modified:

To change the treatment of Bank of America through the plan

Explain below **how** the plan is being modified:

Bank of America obtained relief from the automatic stay due to default in post-petition payments outside the plan. They are unaffected by the plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 11/17/16

/s/Cassandra Norgaard, Esq.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 11/17/16

/s/John Carr
Debtor

Date: 11/17/16

/s/Kimberlyn Carr
Joint Debtor

Imaged Certificate of Notice Page 8 of 9

United States Bankruptcy Court
District of New JerseyIn re:
John B Carr
Kimberlyn Carr
DebtorsCase No. 11-44733-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 50

Date Rcvd: Nov 18, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 20, 2016.

db/jdb
cr
cr
+John B Carr, Kimberlyn Carr, 249 Elm Avenue, Teaneck, NJ 07666-2323
+SPECIALIZED LOAN SERVICING LLC, PO Box 9013, Addison, TX 75001-9013
+Specialized Loan Servicing LLC, as servicing agent, c/o Buckley Madole, P.C.,
P.O. Box 22408, Tampa, FL 33622-2408
512588601 +ACS/Homebanc NA, 501 Bleeker Street, Utica, NY 13501-2401
512588603 +BAC Home Loans Servicing LP, 450 American St SV416X, Simi Valley, CA 93065-6285
512588605 CBCS, PO Box 164089, Columbus, OH 43216-4089
512588604 Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
512648514 Capital One Bank (USA), N.A. by American InfoSource, PO Box 71083, Charlotte, NC 28272-1083
512684292 Chase Bank USA, N.A., PO Box 15145, Wilmington, DE 19850-5145
512588606 +Chase/Bank One Card Services, PO Box 15298, Wilmington, DE 19850-5298
512642032 +Department Stores National Bank/Visa, Bankruptcy Processing, PO Box 8053,
Mason, OH 45040-8053
512627419 FC Finance LLC as servicer for, DB50 HVAC 2005-1 Trust, P.O. Box 795489,
Dallas, TX 75379-5489
512627451 FCC Finance LLC as servicer for, DB50 HVAC 2005-1 Trust, P.O. Box 795489,
Dallas, TX 75379-5489
512588607 +Falconi & Associates, 165 Passaic Ave Ste 301B, Fairfield, NJ 07004-3592
512588610 GEM Recovery Systems, PO Box 85, Emerson, NJ 07630-0085
512588613 +HSBC Bank, PO Box 5253, Carol Stream, IL 60197-5253
512588614 +HSBC/Hosuehold Finance Corp., PO Box 3425, Buffalo, NY 14240-3425
512588612 +Hackensack Medical Center, 20 Prospect Ave, Hackensack, NJ 07601-1997
512649757 +Household Finance Corporation III, 636 Grand Regency Boulevard, Brandon, FL 33510-3942
515182931 +Landmark Asset Receivables Management, 7340 S Kyrene Rd, Recovery Dept - T120,
Tempe, AZ 85283-4573
515182932 +Landmark Asset Receivables Management, 7340 S Kyrene Rd, Recovery Dept - T120,
Tempe, AZ 85283, Landmark Asset Receivables Management, 7340 S Kyrene Rd 85283-4573
512588615 +Lyons Doughty & Veldhuis, 136 Gaither Dr. Ste 100, Mt. Laurel, NJ 08054-2239
512588616 +Mattleman, Weinroth & Miller, 401 Route 70 East Ste 100, Cherry Hill, NJ 08034-2410
512588617 +North Jersey Orthopaedic Specialists, PA, 730 Palisade Ave, Teaneck, NJ 07666-3144
514767479 +Specialized Loan Servicing, LLC, Attention Bankruptcy Department,
8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
514767480 +Specialized Loan Servicing, LLC, Attention Bankruptcy Department,
8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129,
Specialized Loan Servicing, LLC, Attention Bankruptcy Department 80129-2386
512776780 +THE BANK OF NEW YORK MELLON, ZUCKER, GOLDBERG & ACKERMAN, LLC,
200 Sheffield Street, Suite 101, Mountainside, NJ 07092-2315
512588618 +Target National Bank, PO Box 673, Minneapolis, MN 55440-0673
515758401 +The Bank of New York Mellon, Trustee (See B10), c/o Specialized Loan Servicing LLC,
8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129-2386
512588619 +Traffic Safety & Equipment, C/O Rosenthal, Morgan & Thomas, 12747 Olive Blvd. Ste 250,
St Louis, MO 63141-6278
514620001 U. S. Department of Education, c/o FedLoan Servicing, P. O. Box 69184,
Harrisburg, PA 17106-9184
512588621 +US Dept. Of Ed - Direct Loans, PO Box 5609, Greenville, TX 75403-5609
512588620 +United Consumer Financial, 865 Bassett Rd, Westlake, OH 44145-1194
512588622 +Verizon NJ, 500 Technology Dr, Weldon Spring, MO 63304-2225
512588623 +Visa/Dept Stores National Bank, PO Box 8218, Mason, OH 45040-8218
512588624 +William Stadtmauer, Esq., 150 Clove Road 2nd Fl, Little Falls, NJ 07424-2139

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 19 2016 02:27:08 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 19 2016 02:27:05 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
512588602 E-mail/Text: bnc@trustamerifirst.com Nov 19 2016 02:26:57 Amerifirst Home Improvement,
4405 S 96th St, Omaha, NE 68127-1210
512588608 E-mail/Text: bnc@trustamerifirst.com Nov 19 2016 02:26:57 Federal Diversified Svc,
4405 S 96th St, Omaha, NE 68127
512619897 E-mail/Text: bnc@trustamerifirst.com Nov 19 2016 02:26:57 Amerifirst Home Improvement,
11171 Mill Valley Rd, Omaha NE 68154
512751820 +E-mail/Text: ally@ebn.phinsolutions.com Nov 19 2016 02:26:24
Ally Financial Inc. f/k/a GMAC Inc., P O Box 130424, Roseville, MN 55113-0004
512588609 +E-mail/Text: legal@firstconsumercredit.com Nov 19 2016 02:26:28 First Consumer Credit,
405 State Hwy 121, Lewsville, TX 75067-8214
512588611 +E-mail/Text: ally@ebn.phinsolutions.com Nov 19 2016 02:26:24 GMAC, PO Box 380901,
Bloomington, MN 55438-0901
512673920 E-mail/Text: bkyelectnotices@tgslc.org Nov 19 2016 02:27:31 HOMEBANC N. A.,
c/o Texas Guaranteed Student Loan Corpor, P. O. Box 83100, Round Rock, TX 78683-3100
513019051 E-mail/Text: JCAP_BNC_Notices@jcap.com Nov 19 2016 02:27:19 JEFFERSON CAPITAL SYSTEMS LLC,
PO BOX 7999, ST CLOUD MN 56302

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 50

Date Rcvd: Nov 18, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

512660096 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 19 2016 02:27:04 Midland Credit Management, Inc.,
8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
512922043 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 19 2016 02:41:20
Portfolio Recovery Associates, LLC, POB 41067, NORFOLK, VA 23541
512706062 +E-mail/Text: bncmail@w-legal.com Nov 19 2016 02:27:15 TARGET NATIONAL BANK,
C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
512707320 +E-mail/Text: bkyelectnotices@tgslc.org Nov 19 2016 02:27:32
Texas Guaranteed Student Loan Corp, Attn: Bankruptcy, PO BOX 83100,
Round Rock Tx 78683-3100

TOTAL: 14

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 20, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 17, 2016 at the address(es) listed below:

Cassandra C. Norgaard on behalf of Debtor John B Carr cnorgaard@norgaardfirm.com,
sferreira@norgaardfirm.com;crose@norgaardfirm.com;184grandno@gmail.com
Cassandra C. Norgaard on behalf of Joint Debtor Kimberly Carr cnorgaard@norgaardfirm.com,
sferreira@norgaardfirm.com;crose@norgaardfirm.com;184grandno@gmail.com
Frances Gambardella on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW
YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-9 bankruptcynotice@zuckergoldberg.com
Francesca Ann Arcure on behalf of Creditor SPECIALIZED LOAN SERVICING LLC
nj_ecf_notices@buckleymadole.com
Gavin N. Stewart on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent for
The Bank of New York Mellon FKA The Bank of New York, as Trustee for the certificateholders of
the CWABS, Inc., Asset-Backed Certificates, Series BKNJ@buckleymadole.com
Jennifer R. Gorchow on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW
YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-9 nj.bkecf@fedphe.com
John O'Boyle on behalf of Debtor John B Carr joboyle@norgaardfirm.com,
sferreira@norgaardfirm.com;crose@norgaardfirm.com;184grandno@gmail.com
John O'Boyle on behalf of Joint Debtor Kimberly Carr joboyle@norgaardfirm.com,
sferreira@norgaardfirm.com;crose@norgaardfirm.com;184grandno@gmail.com
Joshua I. Goldman on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK
AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC.,ASSET-BACKED CERTIFICATES,
SERIES 2007-9 jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com

TOTAL: 10